



PTO/SB/30 (08-08)

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RCE \$ 22W

**Request
For
Continued Examination (RCE)
Transmittal**Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	10/658,744
Filing Date	September 10, 2003
First Named Inventor	Akihiko MIYAMOTO
Art Unit	3743
Examiner Name	Andrea M. Ragonese
Attorney Docket Number	031145

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 C.F.R. § 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
- a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- ii ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on
- iii ☐ Other
- b. ☒ Enclosed
- i ☒ Amendment/Reply
- ii ☐ Affidavit(s)/Declaration(s)
- iii ☐ Information Disclosure Statement (IDS)
- iv ☐ Other
2. **Miscellaneous**
- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of ___ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other
3. **Fees** The RCE fee under 37 C.F.R. § 1.17 (e) is required by 37 C.F.R. § 1.114 when RCE is filed.
- a. ☒ Check in the amount of **\$790.00** enclosed
- i ☒ RCE fee required under 37 C.F.R. § 1.17 (e) - **(\$790)** 07/22/2005 SDENB081 00000035 10658744
- ii ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17) 01 FC:1801 790.00 OP
- iii ☐ Other
- b. ☒ The Director is hereby authorized to charge any additional fees in connection with filing of this paper or credit any overpayments, to Deposit Account No. **50-2866**.
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	Stephen G. Adrian	Registration No. (Attorney/Agent)	32,878
Signature		Date	July 21, 2005

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	
Signature	Date

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **A. MIYAMOTO**

Group Art Unit: **3743**

Serial No.: **10/658,744**

Examiner: **Andrea M. Ragonese**

Filed: **September 10, 2003**

Confirmation No.: **3385**

For: **ASTHMA DRUG INHALER WITH WHISTLE**

Attorney Docket Number: **031145**

Customer Number: **38834**

SUBMISSION UNDER 37 C.F.R. §1.114

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Date: July 21, 2005

Sir:

This Submission is being filed concurrently with a Request for Continued Examination pursuant to 37 C.F.R. §1.114.

Amendments to the Claims are reflected in the listing of claims that begins on page 2 of this paper.

Remarks/Arguments begin on page 5 of this paper.